

REMARKS/ARGUMENTS

Claims 1-18 and 21-22 are active.

The claims generally are amended for clarity. Support for the changes to Claims 1 and 10 is found in the specification in the paragraph bridging pages 4-5 (discussing the faces of the substrates S1 and S2) and pages 11-12.

The specification is amended to capitalize the trade name noted therein.

No new matter is added.

The rejection under 112, 2nd ¶ is addressed by noting that the term “succession” has been removed from Claim 1.

With respect to Claim 16 and the phrase “seals are penetrated by connection elements of the active system, at least partly comprise mechanical reinforcement elements, or a combination thereof” nothing is unclear about this phrase. That is, this is a list that can be represented as “A, B, or C” where A is “penetrated by connection elements of the active system,” B is at least partly comprise mechanical reinforcement elements,” OR “a combination thereof.” That the phrase states a combination thereof is indicative that the article can have one or both of the preceding members in the list and as such the interpretation outlined in the Action at page 4 is incorrect.

Accordingly, the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. Withdrawal of the rejection is requested.

The claims of this application are directed to glazings (e.g., made of glass) that incorporate a polymer film that functions to contain fragments if broken (see the Background portion of the application at pages 1-2). In addition, functional or active system layers were known to be provided in glazing arrangements. In particular, it is true that the Giron

publication (note that the U.S. PG PUB cited is now U.S. patent no. 7,230,748) describes such electrochromic active systems in glazing arrangements with polymer protective layers. While Applicants recognize the citations in paragraphs [0022], [0024], [0025], [0079], and [0080] of the prior Giron application are relevant to the claims here, Giron does not actually describe what is claimed (in the original claims examined nor that which is presented here).

That is, contrary to the conclusion in the rejection the Giron application does not describe the arrangement that is defined in the claims, i.e., the active system on to the inner face (2) of substrate (S1) and then with the protective polymer layer (f1). It would appear that the misunderstanding arose based on a misinterpretation of the claims (see rejection under 35 USC 112, second paragraph and the inclusion of "succession" in the claims). The arrangement where the active system on to the inner face (2) of substrate (S1) and then with the protective polymer layer (f1) is not described by Giron.

Further, that the active system is specifically placed on face 2 (inner face) of the first substrate, the problems (delamination, defects on the face, see page 6, 1st ¶) of the earlier methods were resolved (see page 6, lines 23-24 of the specification)

Withdrawal of the rejection based on Giron is requested.

To the obviousness rejection citing Giron combined with U.S. 6,284,360 to Johnson et al. Johnson is cited to allege that the features of claims 12-14 were known and thus when combined with the Giron assembly renders those claims obvious. However, as explained above, the arrangement where the active system on to the inner face (2) of substrate (S1) and then with the protective polymer layer (f1) is not described by Giron. Johnson neither describes nor suggests the arrangement defined by the claims. As a result, the combination of Giron and Johnson does not teach or suggest of the limitations of the claims.

Withdrawal of the rejection is requested.

To the written description rejection of Claim 10, that the glazing assembly further comprises at least one margining line positioned on the periphery of the face located on the substrate, on the periphery of the face located on the substrate, or a combination thereof is supported is shown by:

- (A) the cited portion in the Action, specification at pp. 11; and
- (B) Figs. 4, 5, and 6 with their underlying description in the specification at pp. 11, lines 23-32:

In particular, FIGS. 4, 5 and 6 show, by the reference numeral 8, laser ablation of just the ITO layer 2, so as to form an ITO peripheral region that is electrically isolated from the central region.

Moreover, FIGS. 4 and 5 show, by the reference numeral 9, laser ablation of the ITO layer 2, of the active multilayer 3 and the collector 4, so as to allow electrical supply without short-circuiting each of the collectors.

Finally, FIGS. 4 and 6 show, by the reference numeral 10, laser ablation of the active multilayer 3 and of the collector 4, so as to provide electrical isolation between the two current collectors.

The purpose of the written description requirement is to ensure that a patent application conveys to a person of skill in the art that the applicants had possession of the

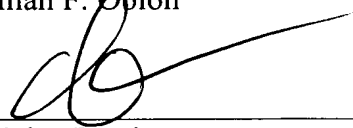
claimed invention. See, e.g., LizardTech, Inc. v. Earth Resource Mapping, Inc., 424 F3d 1336, 1345, 76 USPQ2d 1724, 1731 (Fed. Cir. 2005). Contrary to Examiner's assertions, the present application makes clear that the Inventors possessed the invention embodied in e.g., Claim 10 in view of the description AND figures provided.

Withdrawal of the rejection is requested.

A Notice of Allowance is also requested.

Respectfully submitted,

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